24/12/07

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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.7560 of 2007

PETITIONERS

1. Smt. Pramila Bakare Age about 53 years, Asstt. Teacher W/o Late Shri Gulam Ali Primary School Khamdorgi Block – Kanker, Distt. – Kanker (C.G.)
2. Makhan Lal Thakur Age about 54 years, U.D.T. S/o Shri Mankar Thakur Govt. Middle School Motha Block-Charama Distt.- Kanker (C.G.)
3. Kriparam Poya Age about 52 years, U.D.T. S/o Shri Dharmu Ram Poya Govt. Middle School Khartha Block-Charama, Distt. – Kanker (C.G.)
4. Ku. Imdad Fatima Age about 47 years, U.D.T. S/o Shri M.A. Khalil Govt. Girls Hr. Sec. School Charama Block-Charama, Distt. – Kanker (C.G.)
5. Laxman Singh Nag Age about 53 years, Astt. Teacher S/o Shri Balaram Nag Govt. Primary School Lilejhar Block- Charama, Distt.- Kanker (C.G.)

Versus

RESPONDENTS

1. State Govt. of Chhattisgarh Through:- The Secretary, Tribal & Education Department, D.K.S. Bhawan, Distt. Raipur (C.G.)
2. Astt. Commissioner Kanker, Distt. – Kanker (C.G.)
3. Distt. Education Officer Kanker, Distt.- Kanker (C.G.)
4. Block Education Officer Kanker/Charama
5. Treasury, Accounts & Pension, Charama/Kanker (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Somkant Verma, counsel for the petitioners.
Shri Pradeep Singh, Panel Lawyer for the State on advance copy.

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(30)

ORAL ORDER
(20.12.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. and others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submits that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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